

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSHUA BENJAMIN, a minor, by THOMAS
BENJAMIN and JANET BENJAMIN,

Plaintiffs,

v.

OFFICER JAMES B. FASSNACHT, CORPORAL
BRIAN BRAY, LANCASTER COUNTY,
DAVID MUELLER, CAROLE TROSTLE,
ROBERT KLING, DREW FREDERICKS,
DAREN DUBEY and JOSEPH CHOI,

Defendants.

CIVIL ACTION
NO. 12-585

ORDER

AND NOW, this 14th day of August, 2014, upon consideration of
Defendants' Motions for Summary Judgment, Plaintiffs' Responses thereto, and
Defendants' Replies, it is hereby **ORDERED** as follows:

1. Defendants' Motions for Summary Judgment are **GRANTED** in part and **DENIED** in part;
2. The Motion for Summary Judgment of Defendants, Officer James B. Fassnacht and Corporal Brian Bray (Docket No. 39) is **GRANTED**, and Defendants Fassnacht and Bray are hereby dismissed from this action with prejudice;
3. The Motion for Summary Judgment of Defendants, Lancaster County, David Mueller, Carole Trostle, Robert Kling, Drew Fredericks, Daren Dubey and Joseph Choi ("Lancaster County Defendants") (Docket No. 41) is **GRANTED** in part and **DENIED** in part;

4. The Motion for Summary Judgment is **GRANTED** as to the Lancaster County Defendants on all claims of false arrest, false imprisonment, due process violations, loss of family consortium and state law claims of assault and battery and intentional infliction of emotional distress, and these claims are dismissed from this action with prejudice; and
5. The Motion for Summary Judgment is **DENIED** as to the Lancaster County defendants on Plaintiffs' claim of unreasonable search and on Plaintiffs' Monell claim.

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.